



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 8, 1996

Ms. Tracy B. Calabrese  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR96-2064

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101952.

The City of Houston (the "city") received a request for the following:

1. Copy of opinion issued by the city of Houston Legal Department as it relates to Councilman John Castillo's question as to whether or not contributions can now be taken for the legal defense of certain councilmembers,
2. Copy of Councilman Castillo's legal opinion request [sic] and
3. Copy of Houston Campaign Ordinance.

You contend that the information responsive to items 1 and 2 of the request is excepted from disclosure pursuant to section 552.107 of the Government Code. You have submitted copies of Councilmember Castillo's letter requesting legal advice and the resulting legal opinion to this office for review.

Section 552.107 excepts information from disclosure if:

it is information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct.

Gov't Code § 552.107. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, factual information or requests for legal advice communicated by the client to the attorney and the legal advice or opinion rendered by the attorney to the client. *Id.* at 7-8. Section 552.107(1) does not, however, protect purely factual information. *Id.*

You have marked the portions of the Councilmember Castillo's letter and the city's legal opinion that you believe reveal client confidences or the legal opinion of the city attorney. We agree that the information you have marked is privileged information that is excepted from disclosure under section 552.107. The city may, therefore, withhold the marked information from disclosure. The city must, however, release the unmarked information to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 101952

Enclosures: Submitted documents

cc: Mr. Jim Thompson  
Executive Director  
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P.O. Box 91212  
Houston, Texas 77291-1212  
(w/o enclosures)